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Criminalization of Homies: Gang Policing Tactics and Community Fragmentation

JUAN FLORES

Abstract

While growing scholarship has been crucial in understanding gang policing's nature and impacts, there is currently limited research focusing on how policing relies upon fragmenting communities and perpetuating divisions within them. Gang policing claims to *respond* to conflict and rivalries between "gangs," but how does this policing *produce* and *perpetuate* these community divisions? This paper seeks to understand how gang policing tactics perpetuate divisions and fragment communities while simultaneously producing criminality. This study used a qualitative approach, interviewing eight participants in Berkeley, San Diego, and Los Angeles who are perceived by law enforcement as "gang members" but who self-identify instead as Homies. Findings suggest that gang registration, civil gang injunctions, unofficial forms of harassment and intimidation, and other policing tactics cause Homies anxiety, paranoia, and other harmful mental health implications. Due to constant exposure to policing tactics, Homies' interpersonal and community relationships are negatively affected. Participants in this study explained how they became distant and separated from family members, friends, and the community—creating feelings of alienation. The policing of "gang members" results in the policing of entire communities.

Keywords: Policing, Homie, Gang Member, Police Tactics, Health

Introduction

Criminalizing gang members always simultaneously valorizes middle-class America and also validates the historical and present-day practices that work to isolate, segregate, and alienate criminalized neighborhoods of color¹

- Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*

The study of “gangs” has been analyzed from several perspectives, but seldom or never from a Homie’s experience. For that reason, I attempt here to further scholarship from a “new” insider perspective, adding necessary context and nuance to the presently inadequate common knowledge of what constitutes a “gang” or a “gang member.”

For this paper, I will be putting “gang(s)” and “gang member(s)” in quotations because these reductionist terms do not accurately represent the humanity of the participants in this study, and I would argue the same for people in any community.² Instead, I refer to interviewees as Homies. For this paper, a Homie is a community member who has a relationship (i.e., camaraderie, brotherhood) with other Homies, sometimes forming subgroups, to support each other while proudly representing their neighborhood.

As a Homie, I can attest to some of the injustices, discrimination, and the use of excessive force by law enforcement outlined in the present study. I remember walking down 13th Street in Imperial Beach, California., when law enforcement officers and gang detectives in unmarked vehicles surrounded me. A gang sweep occurred in my neighborhood. My crime? I was a person previously labeled “gang member” by the Imperial Beach Sheriff’s Department and San Diego Police Department. I was detained, harassed, and booked in the county jail on the charges of parole violation and possession of a firearm. As to the first allegation, I had been in good standing and spoke with my parole officer just hours before the police encounter. As to the second allegation, the court held a parole revocation hearing and did not find sufficient evidence that I had possessed any firearm.

While political rhetoric and law enforcement campaigns continue to target “gangs,” it is no surprise that “gang members” are perceived as safety

1. LISA M. CACHO, *SOCIAL DEATH: RACIALIZED RIGHTLESSNESS AND THE CRIMINALIZATION OF THE UNPROTECTED* 63 (New York University Press, 2012).

2. Of course, people may use any label to identify themselves, even the title “gang member.” Not using this title is a personal choice.

threats.³ The way people view “gangs” and “gang members” profoundly influences society’s core beliefs, as illustrated by participants’ experiences. If a person searches the word “gang” or “gang member,” they will likely find those words associated with incarceration, drugs, crime and so forth. In other words, the terms have a negative meaning that is intrinsically associated with violence.⁴ In response, law enforcement agencies such as the Los Angeles Police Department have found the need for suppression and prevention tactics to combat the cities’ “gangs.” Thus, “dynamic and holistic strategies” for police officers continue to be developed and implemented to rid communities of gang violence.⁵ Without challenging police practices and while taking the term “gang member” or any other variation of the concept for face value, it allows the continued persecution of Homies and people unfairly assumed to be “criminals.”

Literature Review

“Gangs”

In the 1980s, gangs became the epicenter of a nation’s growing problem. In Los Angeles alone, 26,000 “gang members” were becoming involved in violence and drug trafficking. They were often treated as “organized criminal enterprises.”⁶ As moral panic about gang violence grew, and gang members became community safety threats, researchers and policymakers raised concerns about lacking “gang control strategies.”⁷ The nation’s “gang problem” would be flooded with suppression strategies, like gang units, eventually causing an increase in conviction rates and sentences for “gang members.”⁸ Lawmakers also drafted gang policies and passed legislation such as the 1988 California Street Terrorism Enforcement and Prevention (STEP) Act. The STEP Act centered on criminal gang activity and “gang members” who participate in an “ongoing organization, association, or group of three or more persons.”⁹ The legislation’s ambiguity

3. CHARLES M. KATZ & VINCENT J. WEBB, *POLICING GANGS IN AMERICA* 9 (Cambridge University Press, 2006).

4. *Id.* at 5; Jane Wood & Sophie Dennard, *Gang Membership: Links to Violence Exposure, Paranoia, PTSD, Anxiety, and Forced Control of Behavior in Prison*, 80 *PSYCHIATRY* 2 (2017).

5. Gang Enforcement Initiatives, L.A. POLICE DEP’T, http://www.lapdonline.org/la_gangs/content_basic_view/34647 (last accessed Nov. 27, 2020).

6. KATZ & WEBB, *supra* note 3 at 9; Madeleine Novich, *Policing American Gangs and Gang Members*, *OXFORD RESEARCH ENCYCLOPEDIA OF CRIMINOLOGY* 11 (2018).

7. Novich, *supra* note 6, at 3; KATZ & WEBB *supra* note 3, at 9.

8. KATZ & WEBB *supra* note 3, at 9.

9. *Id.*; Cal. Penal Code §186.20-.36 (West 1988).

granted police the discretion to determine what gang activity is and what constitutes a “gang member.”¹⁰ For example, the criteria used to identify “gang members” within these policies can range from the type of clothing one wears to the geographic location a person resides and or frequents.¹¹ Through suppression strategies and gang policies, “gang members” came to be understood as societal threats.¹² Additionally, police were granted the power to remove suspected “gang members” from public spaces who they consider suspicious.¹³ Relentless police enforcement of these policies, combined with media depictions of “gangs,” has created an image of threat for Homies perpetuating the stigma that “gang members” are menacing and crime-prone.¹⁴ The dehumanizing perception of labeled “gang members” has allowed for Homies’ legitimate repression.¹⁵

The term “gang member” carries a stigma that disseminates fear in society¹⁶ and enables law enforcement to target youth—primarily criminalizing Latinos and Blacks.¹⁷ A 2009 study by Robert J. Duran found some people’s harassment claims against law enforcement officers to be valid. He found that Mexican-Americans were searched three times more than Whites and were stopped based on their clothing, Latino heritage, and location in a particular neighborhood.¹⁸ The gang suppression strategies used by law enforcement have led to continuous harassment in Latino and Black communities. In these communities, 47 percent of Latino youth and 31 percent of youth Black youth have been documented as gang members.¹⁹

Family or friends of documented “gang members” can be labeled as associates or members of a gang simply for being near the person

10. *Id.*

11. Novich, *supra* note 6, at 1.

12. KATZ & WEBB, *supra* note 3, at 15-16.

13. ANA MUÑIZ, POLICE, POWER, AND THE PRODUCTION OF RACIAL BOUNDARIES 60 (Rutgers University Press 2015).

14. Charles M. Katz, *The Establishment of a Police Gang Unit: An Examination of Organizational and Environmental Factors*, CRIMINOLOGY, 37, 44 (2001).

15. MUÑIZ, *supra* note 13, at 54.

16. *Id.*

17. Jennifer Quevedo, *Are Gang Injunctions a Tool for Gentrification?: The Case of the Glendale Corridor Gang Injunction* 24 (June 23, 2016) (unpublished Masters thesis, MASSACHUSETTS INSTITUTE OF TECHNOLOGY) (on file with Author); MUÑIZ, *supra* note 13, at 37.

18. Robert J. Durán, *Legitimated oppression: Inner-city Mexican American Experiences with Police Gang Enforcement*, 38 J. OF CONTEMP. ETHNOGRAPHY 143, 151-154, 162 (2006).

19. Sara L. Van Hofwegen, *Unjust and Ineffective: A Critical Look at California’s Step Act*, 18 S. CALIFORNIA INTERDISC. L.J. 679, 694 (2009).

documented as a “gang member.”²⁰ Once law enforcement identifies someone as a “gang associate,” they too fall vulnerable to police harassment.²¹ This nonchalant labeling results in the hyper policing of communities.²² Since policymakers, law enforcement, and news outlets legitimize the repression of “gang members,” it is no surprise that violence towards “gangs” remains uninterrupted.²³

Community policing and broken windows policing were two prominent strategies that emerged to deter crime during the 1980s.²⁴ Community policing is a strategy used to foster relations between law enforcement and community members. For example, police agencies organize meetings with community members, neighborhood watch groups, and youth activities groups to establish communication.²⁵ The goal of such a relationship between police and the community is to develop strategies to prevent crime.²⁶

Broken windows policing is the idea that if minor offenses in the community are largely ignored or not penalized and minor laws are not enforced, that community will see an increase in the frequency and severity of crime.²⁷ For example, people who sleep on subway train stations, jaywalk, or loiter are subject to being arrested even though they commit only minor offenses just because law enforcement aims to decrease overall crime in that area.²⁸ Broken windows policing rhetoric allows law enforcement officials to implement draconian strategies in certain targeted communities, significantly influencing gang policing tactics across the nation.²⁹

Although researchers like Victor M. Rios and Karlene Navarro address issues regarding “gangs” and its members, they use the terms “gang” and “gang member” in their research.³⁰ Usage of these words is a flaw in current research on “gangs” because the imposed labels, “gang” and “gang member,” are intrinsically linked with violence.³¹ Rios and Navarro also use

20. Victor M. Rios & Karlene Navarro, *Insider gang knowledge: The case for non-police gang experts in the courtroom*, 18 CRITICAL CRIMINOLOGY 21, 60 (2010).

21. Katz, *supra* note 14, at 38.

22. Novich, *supra* note 6, at 3-4.

23. MUÑIZ, *supra* note 13, at 54.

24. *Id.* at 58.

25. WESLEY G. SKOGAN & SUSAN M. HARTNETT, *COMMUNITY POLICING, CHICAGO STYLE* 5-6 (Oxford University Press, 2000).

26. MUÑIZ, *supra* note 13, at 55.

27. *Id.* at 59-60.

28. *Id.* at 6, 37; Quevedo, *supra* note 17, at 14.

29. MUÑIZ, *supra* note 13, at 14; Quevedo, *supra* note 17, at 14.

30. Rios & Navarro, *supra* note 20, at 26.

31. KATZ & WEBB, *supra* note 3, at 5-6; Wood & Dennard, *supra* note 4, at 2.

the phrase “former gang member” to differentiate from an “active gang member.” Specifically, they refer to a “former gang member” as someone who is no longer involved in a “gang” and, therefore, lives a “more productive life” compared to the current “active gang member.”³²

Lisa Marie Cacho argues that if social value is ascribed to a person who has no value in society’s eyes, then that action further undervalues those who are already devalued.³³ For instance, if a “gang member” adopts the label of a “former gang member,” consequently, that person explicitly or implicitly disavows the already devalued “gang member.” Therefore, the now “former gang member” is distinguishing himself from the “unlawful and outlawed status” of the active “gang member.”³⁴ The phrases “former gang member” and “gang member” thus create a separation of “us” and “them,” thereby maintaining the current narrative that it is “them” (“active gang members”) who are intrinsically violent and dangerous.³⁵ This dichotomy endorses the idea that it is no longer “us” (“former gang members”) that partake in criminality, but instead live a constructive life.³⁶ As a result, “ex-gang member,” “former gang member,” or any variation of those terms becomes a reinforcement of the negative stigma of “gang members.” Thus, scholars are perpetuating the stigma associated with “gangs” in their research. This paradigm paralysis³⁷ simultaneously disregards Homies’ identity by taking the words “gang” and “gang member” for face value.

Gang Policing Tactics

According to the Los Angeles Police Department, there are over 40 gang injunctions in Los Angeles County alone.³⁸ A civil gang injunction is a tough-on-crime policy that serves as a restraining order in a targeted community to prevent people from otherwise lawful behaviors.³⁹ For example, in a community with a civil gang injunction, wearing specific colors and not keeping a certain distance from labeled “gang members” are criminalized behaviors.⁴⁰ These injunctions give law enforcement the

32. Rios & Navarro, *supra* note 20, at 26.

33. CACHO, *supra* note 1, at 17.

34. *Id.* at 17-18.

35. Katz, *supra* note 14, at 44; KATZ & WEBB, *supra* note 3, at 5-6; Wood & Dennard, *supra* note 4, at 2.

36. Rios & Navarro, *supra* note 20, at 26.

37. Bruce W. McClendon, *The Paradigm of Empowerment*, 59 J. OF THE AM. PLAN. ASS’N, 2, 145-147 (1993).

38. Los Angeles Police Department, *supra* note 5.

39. MUÑIZ, *supra* note 13, at 7; Quevedo, *supra* note 17, at 13.

40. CACHO, *supra* note 1, at 6.

extended authority to target individuals based on clothing and ethnic background, criminalizing actions that would otherwise be legal if not for the “gang activity” label.⁴¹ In short, the civil gang injunctions are tactics utilized to restrict and control people while simultaneously constructing a discriminatory definition of deviance.⁴²

In 1988 the STEP Act was enacted in California, codified as Penal Code 186.22.⁴³ Subdivision (a) criminalizes knowing participation in any “criminal street gang.”⁴⁴ Subdivision (b) allows the court system to enhance a defendant’s sentence by 16 months to 15 years in prison if a felony is found to have been committed for the benefit of, at the direction of, or in association with a “criminal street gang.”⁴⁵ The STEP Act also regulates unwanted conduct, such as “gang members” associating with one another or loitering in public.⁴⁶ Instead of containing or preventing criminal activity, the STEP Act further exacerbated the “gang” problem.⁴⁷ In 2000, the Gang Violence and Juvenile Crime Prevention Act passed, adding stricter policies to the STEP Act under Proposition 21.⁴⁸ Aside from charging children as adults and allowing the death penalty for offenses related to gang activity, this addition to the STEP Act meant that people perceived to be in a gang were now *required* to register as “gang members” at the local police department.⁴⁹

There is no concrete definition of what constitutes a “gang” or “gang member” activity. Law enforcement officers, specifically gang police, are permitted the discretionary power to label anyone a “gang member.”⁵⁰ After being labeled as a “gang member,” individuals’ information can then be put in a gang database such as the Cal Gang Database.⁵¹ People unfortunate enough to be entered into the gang database are not notified, and information submitted into the database is never shared with them, thus leaving room for

41. MUÑIZ, *supra* note 13, at 7; Novich, *supra* note 6, at 4.

42. Sandra Bass, *Policing Space, Policing Race: Social Control Imperatives and Police Discretionary Decisions*, 28 SOCIAL JUSTICE 156, 170 (2001). See, MUÑIZ, *supra* note 13, at 35; Quevedo, *supra* note 17, at 15.

43. Cal. Penal Code §186.20-.36 (West 1988).

44. *Id.*

45. *Id.*

46. Novich, *supra* note 6, at 2.

47. Quevedo, *supra* note 17, at 22.

48. *Id.*

49. *Id.*

50. See Novich, *supra* note 6, at 2; Katherine Conway, *Fundamentally Unfair: Databases, Deportation, and the Crimmigrant Gang Member*, 67 AM. U. L. REV., 269, 289 (2017); See also MUÑIZ, *supra* note 13, at 90.

51. MUÑIZ, *supra* note 13, at 33-34.

mistakes.⁵² The criteria required to enter people in the database are also vague enough for law enforcement to enter anyone in the system they perceive to be “gang affiliates.”⁵³ For instance, youth with family or friends that police have identified as “gang members” can be added to the database, thereby criminalizing them and creating a stigmatizing cycle that can lead to severe consequences.⁵⁴

Police “gang experts” also have a role in identifying and labeling people as “gang members.” About 95% of the expert witnesses hired by prosecutors are police “gang” detectives who, more often than not, are the very same detectives that document people as “gang members.”⁵⁵ Based on their “training and experience” regarding “gangs,” these expert witnesses are called to provide “expert testimony” on gang affiliation and admissions based on hearsay statements or opinions derived from circumstantial evidence.⁵⁶ For example, “gang experts” can testify on “the meaning of gang graffiti or sign, gang rituals, or even the psychology of gangs and their members” to prove someone or something is gang-related.⁵⁷ However, the knowledge used to testify concerning “gangs” and document people as “gang members” comes from racially discriminatory police intelligence, investigations, and “gang” reporting processes, which have resulted in the labeling of entire groups such as Black and Latinos.⁵⁸

My research aims to understand the link between “gang” policing and its consequences for communities and Homies. This paper will extend “gang” scholarship by looking into how gang policing tactics, such as gang registration, and unofficial forms of harassment and intimidation by police, affect Homies and their community relationships. To address this gap, I examine the relationship between gang policing and the communities it targets. In short, the question I seek to answer is this: how do gang policing tactics *produce* crime and fragment communities?

52. Conway, *supra* note 50, at 306; Albert J. Meehan, *The Organizational Career of Gang Statistics: The Politics of Policing Gangs*, 41 SOCIO. Q., 337, 364 (2000).

53. Conway, *supra* note 50, at 286.

54. Durán, *supra* note 18, at 163; Victor M. Rios & Mario G. Galicia, *Smoking Guns or Smoke and Mirrors?: Schools and the Policing of Latino Boys*, 7 ASS’N MEXICAN AM. EDUCATORS J. 54, 60 (2013).

55. Rios & Navarro, *supra* note 20, at 22, 35.

56. Bureau of Justice Assistance, U.S. Dep’t of Just., *Urban Street Gang Enforcement* 23 (1991); Rios & Navarro, *supra* note 20, at 24-25.

57. Bureau of Justice Assistance, *supra* note 56, at 94.

58. Rios & Navarro, *supra* note 20, at 34; Durán, *supra* note 18, at 163.

Methodology

For this study, I conducted semi-structured interviews with Homies who have been identified as “gang members” by law enforcement. I recruited eight participants from Los Angeles, Berkeley, and San Diego, using convenient sampling through personal relationships with Homies from the community and educational institutions. I also utilized a flyer to recruit these participants.

All participants identified as either Latino or Chicano and were all male, between the ages of 24 and 31. Interviews took place at recruitment locations and participants’ homes per interviewee’s requests, always in a private space to ensure anonymity and accessibility. The interviews lasted approximately 30 - 60 minutes per participant. Before the interview, participants were presented with a verbal consent form that explained the procedures and risks of this study. Participants were made aware that questions concerning their police encounter(s) may cause unpleasant and uncomfortable feelings to resurface. Participants were informed that they could skip any questions they did not wish to answer or stop the study at any time. There was no risk involved in this study.

Data was collected using an audio recorder. I utilized a laptop to take notes regarding the participants’ answers and overall demeanor during each interview. Interview questions covered various topics, such as their experiences interacting with law enforcement, the effects of gang policing on their family and communities. I sometimes followed with clarifying questions. The interview recordings were the primary data source for this study.

Interviews allowed participants to elaborate about their imposed affiliation or membership in a “gang” for which they have been targeted. Through some of the questions, participants could express their current or previous experience with the gang police. These labeled “gang members” have grown up in communities that experience gang policing presence. Therefore, testimonies from participants provide realistic and credible insight into what policing tactics look like in practice from participants’ perspective—the testimony of the eight participants challenges the dominant narrative associated with gang scholarship.

Findings

Part 1: Police Tactics that Criminalize Homies

For the present study, the effects of gang policing tactics on community relationships were examined using a sample of participants in San Diego, Berkeley, and Los Angeles (See Table 1).

Table 1: Participant Information

Participant	County of Origin	Lives in County of Origin?	Time Since Last Police Interaction	Did Your Last Interaction Change How You View the Police?
Marco ⁵⁹	San Diego	Yes	Ten years, approximately	No
David	San Diego	Yes	Three weeks	No
Daniel	San Diego	No	A Few Months	No
Paul	Los Angeles	No	About a Year	No
Brian	San Diego	Yes	One Month	No
Eric	San Diego	Yes	One Month	Varies
Alan	Los Angeles	No	Four years	No
Samuel	Los Angeles	No	A Few Months	"Fuck the Police"

Gang Member Registration

"Gang member" registration is not an option, as demonstrated in Daniel's experience in court. He recalls: "I didn't want to take my court case

59. Participants were given pseudonyms

to trial, so one of the plea deals was probation, do a certain amount of time in jail, and then mandatory registration.”

In Daniel’s case, he did not want to take his case to trial because he knew the probability of being convicted of a ten-year gang enhancement was very likely. Instead, Daniel signed a plea deal that required him to register as a “gang member” but with a three-year gang enhancement to avoid seven more years in prison. The prosecutor coerced Daniel to register as a known “gang member” as a part of his guilty plea. The plea bargain was a double-edged sword: he would receive less time, but he would have to register as a known criminal street “gang member” in addition to being given a gang enhancement of three years. In other words, Daniel was giving up more of his rights, not for less time, but rather because he knew that if he went to trial, he would lose his case. For Daniel, taking the chance to escape the grip of the court system was worth the gamble.

Through Daniel’s situation, we can see how the institution uses its position to force individuals to take on the label of “gang member.” Government entities rely on participants who do not wish to spend time in jail or prison and, ultimately, position people to accept criminalized identities by plea deals verging on force and coercion. Daniel only agreed to register as a “gang member” because it was an overall better deal, and would have to serve significantly less jail time.

Another example of this coercion is demonstrated in the following excerpt from Brian’s interview:

“I didn’t register when they (my probation officer) first told me to. It (registering as a “gang member”) took me a while. I’m not gonna go through that shit. I’m not going to go downtown and register and shit. Fool, I did get locked up, and then they brought it up again during my court things. You have to go do it once you get out again. So yeah, it was one of those things that they forced upon me to go do. I didn’t do that shit because I wanted to. I wouldn’t even do that shit, you know.”

Brian was forced to register as part of his gang suppression unit conditions. Registering is a requirement for any individual convicted of a gang-related offense or who pleads guilty to the gang-related charge(s). If a person fails to register within ten days following release, they can be charged with a misdemeanor and are subject to incarceration for up to three years.⁶⁰ Brian initially refused to register as a “gang member,” but he gave in after being incarcerated for his refusal. When Brian went to court, he knew that registering as a “gang member” was inevitable because his previous failure to comply with registration conditions was what got him incarcerated. Brian would continue to face arrest until he followed through with the registration

60. Cal. Penal Code § 186.30(a)-(b), 186.33(a).

as a member of a “gang,” so he eventually registered. As Brian recalled further about his registration experience, he said, “I don’t want to go fuckin’ register myself. I think that is stupid. But they force you to, or you’d get locked up again and go through the same process again.”

Individuals mandated to register as a “gang member” must comply with all conditions and report to a probation officer for a five-year probation period to be discharged from the court’s last imposition of a required registration.⁶¹ Through this process, participants are not asked whether they agree with the label required of them to accept or if they understand what it means to be registered as a “gang member.” Having people register as a “gang member,” whether by force or coercion, seems to be a tactic used to access and surveil Homies. The required registration of “gang members” allows the court and police to further target and criminalize Homies.⁶²

Homies often have to register as “gang members” because of plea deals. In both cases, participants complied with registering but were clearly reluctant. They only registered to avoid jail time, not because they agreed with or understood what it meant to be a “gang member,” which usually includes potentially criminalizing entire communities.⁶³ In cases like Daniel and Brian’s, Homies do not know when they are making their decision that as a labeled “gang member,” they can be given extended sentences, even if they were mislabeled or were just acquaintances with others labeled as “gang members.”⁶⁴ Therefore, Homies are being criminalized through forced “gang member” registration without even realizing the full consequences.

Gang Injunctions

According to the Los Angeles Police Department, civil gang injunctions have “clearly demonstrable positive effects” on the community, sometimes a “remarkable effect” on areas covered by the gang injunction.⁶⁵ Ana Muniz, however, argues that gang injunctions serve to diminish entire communities by preventing “gang members” from engaging in positive activities, labeling entire families, and friends as gang associates.⁶⁶ Thus they, too, become targeted by police. The civil gang injunction is a gang policing tactic used as

61. *Id.* at § 186.20(D)(b)-(c).

62. See Quevedo, *supra* note 17, at 22; Victor M. Rios, Nikita Carney & Jasmine Kelekay, *Ethnographies of Race, Crime, and Justice: Toward a Sociological Double-Consciousness*, 43 ANN. REV. SOCIO. 493, 498 (2017).

63. Rios, Carney & Kelekay, *supra* note 62, at 501.

64. Erin R. Yoshino, *California’s Criminal Gang Enhancements: Lessons from Interviews with Practitioners*, 18 S. CAL. REV. L. & SOC. JUST. 117, 127 (2008).

65. Los Angeles Police Department, *supra* note 5.

66. MUÑIZ, *supra* note 13, at 37-38.

a restraining order against the entire community, not just Homies.⁶⁷ Gang policing constrains people from interacting with each other, consequently harming interpersonal relationships.⁶⁸

“I couldn’t wear [team affiliated] hats, I couldn’t wear [hometown] shirts, I wasn’t able to kick it at the hood park, we did anyways, but if we were to be seen like that, then that would be a violation of the injunction and later on when I was on parole the gang kind of. . . I don’t know if it’s [conditions are] part of a parole or if it’s [conditions are] also part of gang injunctions, but within 100 feet of certain houses that are neighborhood hangout spots, that’s already a violation.”

Findings suggest that gang policing complicates everyday life for Homies who fall under the restrictions of gang injunctions. Paul recalls that he couldn’t wear hats or t-shirts that displayed the name of his city because his clothing would be a crime in law enforcement’s eyes, and he could face a violation (i.e., incarceration). Law enforcement, specifically “gang task officers,” can target young men like Paul because of their clothing.⁶⁹ With a civil gang injunction in place, Paul also knows he is prohibited from community parks and associating with others labeled “gang members.” As part of the civil gang injunction, if Paul is “within 100 feet of certain houses that are neighborhood hangout spots,” he can be detained and arrested for violating the gang injunction. As it seems, suspected violations of gang injunctions give officers probable cause and, thus, the ability to detain anyone at their discretion.⁷⁰

The fact that Paul is on the civil gang injunction allows law enforcement to stop his accompanying friends without probable cause. In another instance, Paul was in his community when he was pulled over with two individuals who are not Homies. However, because anyone can be criminalized for associating with him, his friends were now considered “gang members.” Paul recalls, “we were just going to go hang out, to a party . . . then after that, we got pulled over, and they [my friends] got added into the [gang] database, the other two fools [persons]. Just for the fact that they were with me.” Paul’s friends would now be held to the same civil gang injunction standards and subject to state surveillance.⁷¹ Essentially, with a gang injunction in a targeted community, law enforcement officials are justified when it comes to detaining and labeling people as gang associates

67. *Id.* at 7.

68. *Id.* at 37.

69. Novich, *supra* note 6, at 4.

70. Bass, *supra* note 42, at 171.

71. MUÑIZ, *supra* note 13, at 39.

or members if they are found with a known member of a gang.⁷² This type of labeling leads to future targeted detainment and harassment.⁷³

Unofficial Forms of Harassment and Intimidation

Interviewees' personal experience with constant policing is not what one might think of when one hears words like civil gang injunction, gang database, or gang registration—words that fit in with common law enforcement language. Instead, participants used words like harassment, intimidation, and profiling to express their experiences of what gang police tactics look like in their everyday lives. As David, a labeled “gang member,” recalled:

I've been targeted. There was a cop in the neighborhood. He had a familiar face. I'm a familiar face. The cops, well, he just see me. And I was just sitting down on the bus stop, and chilling and um he busted a whole U-turn and everything and pulled me over. And like I said, I was just sitting on the bus. I was waiting for the bus, and well, you know he asked me questions, [harassing me:] What am I doing? [He used] a couple of slurs, some insults. He was like, Where the fuck are your homies at?

The harassment David experienced did not end with just police contact. The police searched David, handcuffed him, and made him sit on the hood of the police vehicle, all for no apparent reason other than to harass and intimidate a suspected “gang member.” In particular, as David stated, the police officer is a “familiar face.” Therefore, reinforcing the notion that police interaction, harassment, and intimidation have been continuous for Homies.

Novich found several problems with policing strategies, one of those being intimidation.⁷⁴ The police officer who approached David aggressively and disrespectfully did so to intimidate him and extract information about other people in the community. Another participant, Alan, similarly expects to be harassed. Alan stated, “You're trying to just keep cool but just chill and shit. And get pulled over and automatically harassed just cuz your name pops up in the gang file.” Alan understands that being on a “gang file” means that law enforcement of any kind will potentially harass him.

72. Bass, *supra* note 42, at 171; MUÑIZ, *supra* note 13, at 38.

73. MUÑIZ, *supra* note 13, at 38.

74. Novich, *supra* note 6, at 12.

Alan further elaborates on his experience with police encounters by stating, “they (the police) might throw some extra shit on you, trying to harass you until like they get some shit from you. As I remember there was this one time when I got pulled over in Huntington Beach, and they [police] kept fucking with us.” Alan shared that law enforcement harasses you in order to extract information from you, implying that because he is a “gang member” law enforcement continued to “harass” him. These accounts were not the first and only times that David and Alan had been harassed; they had been targeted before. In particular, David and Alan were approached without a good reason, and both felt harassed since they were not involved in a situation that justified the police encounter.⁷⁵

Making Homies Anxious and Paranoid

Due to constant police encounters, participants expressed constant feelings of being watched or surveilled, as if they were doing something wrong even when they weren’t. Participants described the surveillance and the persecution they experienced as producing feelings of paranoia and anxiety. These mental health impacts can be attributed to police contact. According to Geller, Fagan, Tyler, and Link, who investigated police interaction impacts, law enforcement frequently contributes to community members’ mental health complications. Specifically, they found that “participants who reported more police contact also reported more trauma and anxiety symptoms, associations tied to how many stops they reported, the intrusiveness of the encounters, and their perceptions of police fairness.”⁷⁶

In Paul’s case, when he was attending college and “doing good,” he still felt restless and hyper-vigilant in his mind. Paul’s response below illustrates the negative impacts of having constant police interaction.

I would say that nowadays I don’t have interactions with the cops, really. But back then, when I was still in my neighborhood or when I would pass through when I would go to school, I was going to community college, [getting stopped by police] was just something that was always on my mind. Going [to school], I already knew that if I seen a cop, they were going to pull me over. So that’s how I would move. I wouldn’t say fear but a hyper-awareness. I wasn’t comfortable. I didn’t feel like I was safe. I don’t know if that

75. *Id.* at 7-8.

76. Amanda Geller, Jeffrey Fagan, Tom Tyler & Bruce G. Link, *Aggressive Policing and the Mental Health of Young Urban Men*, 104 AM. J. PUB. HEALTH 2321, 2321 (2014).

was the right way to say it, but I felt like if I go outside, and if I see [law enforcement], they are going to pull my ass over, and they are going [to] try to bust [arrest] me whether they got a case or not.

The belief that if law enforcement were in sight, Paul would be “pulled over,” regardless of what he was doing, is a notion all participants communicated. As Paul expressed, there is a need to move differently and to be always alert. Paul is continuously vigilant, trying to dodge any form of police interaction, and the worry about being pulled over by law enforcement and feeling unsafe has reinforced the notion of his paranoia.

Therefore, aligning with Geller et al., who found that “young men stopped by the police face a parallel but hidden disadvantage: compromised mental health,”⁷⁷ which in my participants’ case is paranoia. The feeling of being paranoid results from Paul’s frequent interactions with law enforcement. In other words, Homies know they have not committed an offense when stopped by police but still feel the residual negative impacts of the encounters.

Like Paul, Marco describes his experience of having to “walk a straight line” or do what authority says to avoid trouble. If spotted, “anything I do can land me in jail. I look over my shoulder. It makes me want to look for the cops through the rear-view mirror. I’m doing good. Its paranoia.”

Even when Homies are doing nothing wrong, it can result in police contact and arrest. In particular, Marco needs to make sure he is not followed to make himself feel secure enough, be at ease, and continue his day. We can understand by the context Marco provides that he knows that he experienced “paranoia.” In other words, Homies’ experiences with gang policing tactics have impacted their person, which has resulted in hyper-awareness and the need to be safe from law enforcement.

Wood and Dennard state that “gang membership” is intrinsic to violence and that violence may generate or exacerbate the mental health complications, specifically paranoia, related to “gang memberships.”⁷⁸ This leaves us with the impression that gang membership is the sole cause of Homies mental health complications. Woods and Dennard’s limited scope, however, overlooks gang policing and the effects of Homie’s encounters with law enforcement. The findings from participants like Paul suggest that people labeled “gang members” are impacted by the tactics of gang policing which causes Homies paranoia. In short, “gang membership” is not the main reason Homies are paranoid; rather, police treatment of Homies suggests that law enforcement is a cause of paranoia.

77. *Id.* at 2324.

78. Wood & Dennard, *supra* note 4, at 2, 14.

High levels of anxiety are connected to paranoia.⁷⁹ Being paranoid is also intertwined with anxiety that participants experience when coming into contact with law enforcement. This anxiety is not limited to interaction with law enforcement but is also triggered by the mere sight of the police. Just seeing the police causes Brian to get anxious about a possible police encounter and arrest. Brian says he “kind of always gets that feeling when I see a cop car. I think it’s from the years of just getting pulled over, just having interactions with the police. I always get that feeling that I’m going to get pulled over.”

The feeling that Brian is experiencing is attributed to the years of constant interaction with gang police. In particular, this feeling of anxiety Brian is experiencing intensifies when his fears are confirmed, and he is indeed pulled over. In Brian’s last interaction with the police, he saw a police officer while at a stoplight, and he once again got that feeling and said to himself, “Oh, they gonna pull me over.” When the light turned green, and Brian drove off, he remembers how the cop car “busted a U-turn, and fuckin’ went behind me and [then] I had two cop cars, and that’s when they pulled me over.” This experience triggered his anxiety and furthered his worries about police encounters.

It is evident from Brian’s police encounters that law enforcement makes participants feel unsafe. Homies are, consequently, paranoid and anxious. This is not to say that Homies are paranoid and anxious without being targeted by the police. Instead, it is the targeting by the police that impacts Homies’ mental state.⁸⁰

Rejection of the “gang member”

Through the collection of data, participants’ responses highlight the way they view the concept of “gang member” and how that label is used to refer to Homies. The “gang member” label is stigmatized and does not add value to a person, but instead brings about negative and unfair consequences.⁸¹ In the interview, one of the main questions I asked all participants was if they agreed with the label “gang member” as it is used to refer to them. All the participants disagreed with the label. In particular, Samuel mentioned that the “word [‘gang member’] is stigmatizing” and that when people hear the term, they assume the worst and “start building up this idea of violence...[and] look at you as that [violent].” Samuel understands

79. *Id.* at 15.

80. Geller et al., *supra* note 76, at 2324.

81. Conway, *supra* note 50, at 308; Bernice A. Pescosolido & Jack K. Martin, *The stigma complex*, ANN. REV. SOCIO., 87, 92 (2015); Durán, *supra* note 18, at 163.

that being labeled as a “gang member” has adverse outcomes that range from being prevented from hanging out with family and friends in certain areas to being harassed and incarcerated.⁸² Therefore, Samuel knows that for him to accept the label of a “gang member” is to accept the stigma associated with the label. He acknowledges the idea that people labeled “gang members” are, in fact, considered dangerous and criminal, making them prone to harassment and detainment.⁸³

When Daniel was asked about his thoughts on the “gang member” label, he stated that “it’s not going to add value to your life,” nor does it work in a Homie’s favor. In other words, being labeled a “gang member” will only lead to stereotypes, prejudice, and discrimination.⁸⁴ In addition to negating the “gang member” label, Daniel stated in an assertive tone, “I also don’t like being called a ‘former “gang member”’ . . . [I’m] trying to find my own identity, trying to create or recreate my own identity aside from [what] society already created for me.” Daniel conveys the message that the imposing of either a “gang member” label or a “former gang member” label disregards who he is as an individual. During the interview, Daniel’s tone indicated his frustration and anger towards being imposed with a label that criminalizes him and is not representative of his identity.

Since all participants do not identify as “gang members,” I followed up with questions to better understand how participants do identify themselves. Participants’ responses varied, but all shared a common theme of using empowering words to describe themselves. For instance, some participants hold the word Homie with high regard, with a more significant and empowering value than the word “friend.” Participants, who self-identified as Homie, stated that a Homie is someone who demonstrates camaraderie, shares the same lifestyle, and has been through similar life experiences and struggles.

When I asked Paul how he identifies himself, if he rejects the “gang member” label, he stated, “I’m just a Homie.” I continued to probe further, asking Paul how he refers to people from his neighborhood; he said, “Just Homies. . . I feel like it’s fundamentally about camaraderie, community for unity. . . we’re Homies; we got each other’s back.” Paul uses the word “fundamentally” when describing the feeling of being a Homie, mentioning that a Homie consists of camaraderie and unity. He or other participants never once said that being a Homie involves criminality or any form of deviance, but rather that the Homie consists of being there for one another

82. MUÑIZ, *supra* note 13, at 37; Hofwegen, *supra* note 19, at 680, 690, 697.

83. MUÑIZ, *supra* note 13, at 38; *see also* Katz, *supra* note 14, at 44.

84. Pescosolido & Martin, *supra* note 81, at 93.

because, as Paul said it, “we’re Homies.” Paul’s response shows a glimpse of the “Homie” identity from the interviewee’s perspective.

However, to clearly understand the Homie identity, participants were asked if the words “Homie” and “friend” carry the same value. Paul remarked as follows: “I would say that a Homie is a closer relationship. Even if we are not from the same neighborhood, we come from similar backgrounds, similar struggles.” In his statement, Paul is alluding to the struggles Homies face in their everyday life such as being incarcerated, labeled, and documented as a “gang member,” targeted because of clothing, geographic location, or association to other people labeled “gang members.”⁸⁵ Paul finished his statement by saying, “And that’s what I mean when I call someone a Homie, as opposed to someone who doesn’t come from the same type of background, does not face the same type of struggles, that would be a friend . . . You can’t relate on the same level.”

To further break down the Homie identity that interviewees embody, Daniels’ response emphasizes and elaborates similar sentiments of other participants in regards to the Homie identity. Daniel states that a Homie is someone that comes “from an underserved, underprivileged, and ‘gang culture’ or high-policing culture.” To Daniel, a “Homie is like a friend but like a step further. It’s . . . redefining that term [“gang member”] in the sense. There’s more of a brotherhood, sisterhood there, you know!”

All three participants’ responses are incredibly similar but touch on the various components that make up a Homie. Paul states, a Homie is a “closer relationship” than that of a friend, similar to Daniel, who mentions that a Homie, when compared to a “friend,” is a “step further” because a friend, unlike a Homie, is not on the “same level.” In other words, though the concept of friendship is held with admiration, it does not equate to the affection Homies have for one another.

Through this study, one can view how participants understand themselves and one another. For instance, if a person comes from a similar upbringing or background and struggles with hyper-policing culture, they can relate to Homies. On the other hand, both participants conveyed who would not be considered a “Homie.” Participants expressed that a non-Homie friend, or anyone else for that matter, is someone who does not come from the “lifestyle” (i.e., “gang culture”), and participants cannot identify with them as a consequence. As one participant stated, “[t]here’s more of a brotherhood” when it comes to Homies, while a friend’s meaning has nothing to do with the lifestyle. In this sense, the Homie holds a more robust connection than that of a friend, more of a distinct identity. In other words,

85. Quevedo, *supra* note 17, at 7; Katz, *supra* note 14, at 4.

Homies can recognize others who fall within the unwritten definition of being a Homie.

Part 2: Gang Policing Fragmenting Communities and Community Relations

Gang policing tactics are used to restrict, suppress, and deter crime committed by “gangs” and their members.⁸⁶ The implementation and enforcement of gang policing strategies may be perceived positively by the community. However, it is evident from the interviews that gang policing tactics are problematic for some community members who live in highly concentrated policing areas. Gang policing tactics target not only Homies, but the relationships they have with people in the community. The ripple effects of gang policing tactics undermine and sever community relationships. Implementing gang policing tactics causes the separation, distancing, and alienation of Homies from the community.

Gang Policing Tactics’ Impacts on Homie, Family, and Friends - the Psychological Effect on Family and Friends

Police encounters affect the people who have a relationship with a Homie. Family, friends, and other community members may not necessarily be law enforcement targets. Still, when they are close to or near a Homie targeted by law enforcement, they become susceptible to severe negative consequences.⁸⁷

Daniel, a college graduate now, saw firsthand the effects policing had on his family as he pursued his education. Even though he was placed on a gang injunction when he was an adolescent, his family still worries about the effects a potential police encounter could have on his well-being. Daniels’ family knows that being labeled a “gang member” in a community with a civil gang injunction is not in Daniel’s favor. He describes how his family felt.

Once my family knew that I was going to go to college, trying to do something as far as a career, they were very supportive. But being on a gang injunction, they would always worry, like, ‘don’t stay out too late’ even though I’m an adult. ‘Don’t wear this, don’t wear that.’ When they say look both ways before you cross the street, it’s not because of the cars; it’s because if it’s another ‘gang member’ within 100 feet, you’re going to get

86. Quevedo, *supra* note 17, at 20, 23; Durán, *supra* note 18, at 37.

87. See Geller et al., *supra* note 76, at 2325-2326.

arrested. Whether you know that person is a ‘gang member’ or not, you’re gonna get taken in[to custody]. [Worrying] puts a lot of stress on my family. Daniel’s family members tend to worry and stress since they know that their loved one is subject to harassment, detainment, and, ultimately, incarceration by law enforcement.⁸⁸ With a civil gang injunction in place, community members can be targeted for their attire, associations, and geographic location.⁸⁹ The idea that a person can randomly be arrested for “association” when they are merely walking in their community and are not aware of another supposed “gang member” is absurd, but it is the law. Thus, in this case, family members have come to feel the effects of gang policing tactics.

Hanging around known “gang members” or associates can also have consequences for family and friends of Homies. When a family member or friend is accompanying a Homie, they become a target of police tactics. For example, Paul’s mother and girlfriend have been subjected to police harassment and interrogation when stopped by the police. Paul recalls his girlfriend would get harassed with questions such as “you’re probably holding his dope” or “why are you hanging out with this low life?” Paul went on to say that these interactions insulted both him and the people he was with. Although the main target was Paul, the “gang member,” Paul’s loved ones also fell under scrutiny and became collateral targets of police tactics due to their relationship with him. Paul’s experience is not unique; Homie’s relationships are the ideal target, impacting acquaintances, friends, and in this case, family members. Therefore, everyone is subject to being a target of police tactics and will be affected by law enforcement. Consequently, community relationships are impacted by the mere fact of having an association with Homies.

Increases Likelihood of Being a Targeted “gang member”

The ripple effects of implementing gang policing tactics extend their reach to community relationships by increasing the likelihood of registering family members and friends as “gang members” or affiliates. Eric, a participant, registered as a “gang member” because his brothers were already documented as “gang members.” Eric’s experience with police encounters started at a young age, and he recalls being “about 11 or 12” when he became documented as a “gang member.” Eric’s experience was that” [police] would

88. Anthony A. Braga, Rod K. Brunson & Kevin M. Drakulich, *Race, Place, and Effective Policing*, 45 ANN. REV. SOCIO. 535, 541 (2019); MUÑIZ, *supra* note 13, at 39; Novich, *supra* note 6, at 1.

89. Novich, *supra* note 6, at 1; MUÑIZ, *supra* note 13, at 39.

come to my mom's house and be like interacting with my brothers when they [the gang suppression unit and my brother's probation officer] would do things like checkups and stuff." The police would harass Eric during their visits, and Eric specifically remembered, "he [his brother's probation officer] would see me go outside or walk past him when he was inside my house, and he would tell me 'you on probation man? You on probation?' when I was trying to leave." In an attempt to escape being criminalized by being labeled as a "gang member," Eric would let the officer know he was not on any form of probation, and as Eric said, "I'd walk right past him." However, Eric mentioned that one day during those home visits, "[My brother's probation officer] came back in [the house] . . . handed me a packet and he said, 'you are on GSU [gang suppression unit] now.'" In this case, Eric was an adolescent who had not committed a crime yet, but gang police still targeted him. All these examples show that the impacts of gang policing tactics extend their reach, impacting people in the community other than the original targets.

Gang Policing Tactics Undermines Community Separation and Distance

As Homies continue to be persecuted, the relationships they have with family, friends, and people in the community are impacted, and the ripple effects are felt even more on a personal level by Homies. Policing of "gangs" is meant to focus on gang activities, but it is overreaching, affecting the relationships people have in the community. Police tactics undermine the community by causing separation and distance among Homies and those surrounding their presence.

As Paul kept having encounters with the police, he noticed "some family didn't want anything to do with [him]" and began to distance themselves from Paul. Like Paul, Homies know that "It's not necessarily just being labeled a "gang member," it's everything else that comes with it," which includes being frequently in and out of jail, getting pulled over alone and with family members. Therefore, as Paul recalls, "In their [my family] eyes I wasn't up to any good. I was just trouble. I was [the] black sheep of the family. So, I would just get cut off from a bunch of folks." However, the physical distance was not the only ripple effect. Paul said, "They [my family] didn't think that I would amount to much. They [Family members] would tell my little brother to not be like me, to do something else because I was a bad influence on them. So, kind of separate me from him, you now." In this case, registration created more distance between Homies and their families.

Gang policing tactics also lead to families' discontentment about law enforcement disrupting and harassing Homies regularly. The continual

persecution and implementation of tactics begin to weigh heavily for family members. Being labeled a “gang member” makes an individual a walking target and causes separation between Homies and their family. Paul’s experience demonstrates that gang policing maintains a vicious cycle where repeated instances of detainment and arrest caused his family members to view Paul as an outcast. Relationships between family members and Homies like Paul are undermined by gang policing.

Family members distance and separate from Homies because gang policing tactics have reinforced the negative image of Homies, even in the family members’ minds. The dehumanized image of so-called “gang members” perpetuated by news outlets influences how community members interact with Homies.⁹⁰ Gang policing’s ripple effects also impact friendships.

In particular, Daniel found it hard to meet and study with his long-term community friends, who were also attending college, because of the gang injunction restrictions Daniel was under. Any possible interaction with his friends, he would have to take their safety and well-being into consideration: “I want to risk going over to their [friends’] house, talking to them and seeing how they are doing without some sort of police interaction, without some sort of law enforcement thinking we are planning to do something, or we are dealing drugs or dealing arms, or we are getting ready to go commit a crime.”

For Homies, hanging out with friends in their home community is hard to do when police tactics such as gang injunctions are in place, and the Homie is a registered “gang member.” Specifically, for Daniel, he says he felt “discouraged from building any genuine relationships for the sake of like intellectual progress or just progress in general.” For example, one of his friends was also in the same class study group, and he lived a few streets away in their home community. As Daniel said, “we would want to talk about what’s going on in this subject or that theory...[but]... it was discouraging to have to think that if I go over to [my Homie’s house] I’m going to get pulled over or something’s gonna happen, or what if something happens and I get blamed for it.”

Daniel’s story exemplifies the persecution that he and many Homies have to endure to visit a friend in his community. Homies understand that a simple walk to a friend’s house can result in a police encounter. Consequently, the discouragement results in the interpersonal distance, a much better option than being harassed or wrongfully blamed for a crime. Therefore, gang policing undermines Homies’ friendships that would, otherwise, have no reason for becoming susceptible to law enforcement scrutiny. Those friendships are not seen as a positive relationship but rather

90. MUÑIZ, *supra* note 13, at 44, 55.

as a gang network. Thus, Homies' relationship with people from their community is regarded as criminal, and instead of fostering community, police encounters erode existing relationships and prevent the formation of potential friendships. In other words, gang policing encounters like detainment, harassment, or gang sweeps impact Homies' community relationships, causing estrangement and irreparable damage.

Alienation and Exclusion from the Community

Separation and distance, direct results of gang policing tactics, lead to Homies feeling alienated. The feeling of alienation is experienced by Homies when interacting with the community. Nonetheless, alienation is a consequence of the chain reaction that surfaces with the responsibilities of law enforcement and the government it represents. Participants experienced feelings of alienation when their family stopped interacting with them. In particular, Paul stated:

People just distance themselves, they don't feel that love for [us] anymore, you don't feel that sense of belonging to a greater community anymore ... I mean [the distance] just made me callous and not caring about other people in the sense of people that I felt were my closest friends. I didn't feel belonging to the city. It was kind of 'me against the world' mentality with my inner circle (of Homies). I think that (the distance) got in the way of me ever doing anything productive with my life or being a productive member of the community at large.

As family members distanced themselves, Paul began to sense apathy. The emotional support Paul had from his family was not felt. Therefore, Paul viewed everyone who is not part of the "inner circle" (i.e., Homies) differently. Homies who are targeted by police feel out of place and alienated.

Another way policing tactics impact Homie's relationships with the community is by restricting Homies from community spaces. Civil gang injunctions prevent Homies from accessing resources in and around the community. Brian recalls that the civil gang injunction restrictions made him unable to participate in community organizations such as the YMCA in his community.

I wasn't able to go to the YMCA in my neighborhood. That was a place that I would go to just to hang out with my friends, but I wasn't able to do that anymore. I was excluded from all that. So [being excluded] led me to be hanging out in the street now that I'm

thinking about it. Yeah, I can't go kick it where it's supposed to be a safe area, you know.

Homies cannot freely access places such as community organizations or parks where people interact and do leisurely activities or play recreational sports. In other words, Homies cannot foster interpersonal and community relations in community spaces because they will be arrested for violating the civil gang injunction.

In addition to being prevented from accessing community resources, Homies are also excluded from organizational events. In David's case, who felt "like an outsider," he was excluded from attending a school dance event. David states that the "administration [from] the school didn't want to let me in, didn't want me, to accept me to be a prom date because of being labeled a 'gang member.'" Because David was labeled a "gang member," he was excluded from participating in events. According to David, the experience made him feel unwanted, not good enough, and discriminated against.

Community organizations perpetuate the sense of alienation that Homies feel because Homies are excluded from spaces. The exclusion of Homies and other community members causes them to find alternative places to hang out that are not safe, possibly exposing them to further scrutiny by law enforcement. The constant policing of Homies alienates them from the community they reside in. The feelings of alienation are not just a state of mind for Homies, but a reflection of Homies' exclusion from community organizations.

Results demonstrate that gang policing tactics undermine and sever relationships, causing more harm than good. As a result, Homies are made to be distant, separated, and alienated from their community, reinforcing the exclusion from certain spaces. However, what appears to be gang policing targeting Homies, is criminalizing community relationships. Therefore, the evidence suggests that policing communities itself produces and perpetuates criminality and the community's divisions resulting in its fragmentation.

Homies Leave the Neighborhood, and then the Intensity of Gang Policing Tactics Diminishes

The most precise illustration that police tactics impact Homies' communities is that as soon as interviewees left their home community, the policing intensity diminished for them. This finding is significant because it highlights how Homies and community relationships experience policing of the community, disguised as gang policing tactics. In other words, what is being targeted is an attempt to sever community relationships by imposing alienation, separation, and distance between the Homies and people in the

community. Once that objective is accomplished, law enforcement no longer displays an interest in continuing to police.

Paul is a Homie who currently does not live in his home community and is a local university student. In his most recent police interaction, Paul realized the difference in treatment by Berkeley City Police compared to the law enforcement in his community. Paul was drinking with some friends on campus when Berkeley City Police approached him. Although Paul and his friends were cited for drinking from an open container, Paul noticed that the police treated them differently from what he was used to as soon as they mentioned they were University students. He said, "We are [University] students. I think that's the main thing, that we are [University] students, so when they (police) found that out, they kind of changed their tone, but they still got us with tickets for open containers." To Paul, although it was "typical" for him to get stopped, this experience "wasn't as hostile as most other times back home."

Like Paul, Daniel is a Homie and university student who currently lives about 460 miles from his home community. In his last interaction with police, Daniel was pulled over for a broken taillight. He mentioned that his interaction with police that day was not a typical encounter for him. The contact with law enforcement was different because the police were linked to the university. Daniel stated, "I live in university housing. The dynamics of neighborhoods or underserved communities is different as far as policing; policing by law enforcement that belongs to the state and law enforcement, which in this case belongs to the university, me in particular." Daniel went on to say that the same police encounter back home would have resulted in him being "taken out the car and searched because [he] was registered as a 'gang member' or was on gang injunction." Besides, Daniel explained that speaking up for himself in such situations back at home would have also caused police to "slam [him] on the [police] car and handcuff [him]." The fact that Daniel is "known in the hood" has police harassing him with questions about shootings or his Homies; something he does not experience outside his home community.

Paul and Daniel's encounters indicate that Homies who have left their home communities show that either the interactions with police have lessened or, if they do interact with police, the interactions are not as hostile as they were back home. Paul and Daniel were unconcerned with police contact in Berkeley. This shows that although they were persecuted in their own communities, being college students afforded Paul and Daniel privileges that their Homies never received. Both participants mentioned that they would have experienced harassment, scrutiny, or hostility from police had they been in their community. From Paul and Daniels' experience, it seems as if police tend to treat people living in more privileged

neighborhoods such as university housing more kindly and with fewer assumptions of wrongdoing than they treat those in underserved communities. The only way Homies get a break from being a target of gang policing is to separate or distance themselves from their community. However, that puts the ability to foster communal relationships at stake. This leaves us with an important question: are gang policing tactics targeting “gang members,” or do they target community relationships?

Conclusion

How Gang Policing Tactics (Re)Produce Crime and Fragment Communities

This research study aimed to address how gang policing tactics produce crime and fragment communities. Based on a qualitative analysis of Homies labeled “gang members,” it concluded that gang policing tactics not only criminalize Homies but have ripple effects that are detrimental to their community relationships. Homies are criminalized through gang registration and are further targeted using unofficial forms of harassment and intimidation and laws such as “gang injunctions.” As a result, Homies are made to be distant, separated, and alienated from their family and friends and experience feelings of anxiety and paranoia. This affects their behavior, health, and community relationships.

Gang policing tactics go beyond affecting Homies themselves: they fragment communities and relationships. Homies’ family members and friends not only worry and stress about potential harm Homies may go through, but they become subject to police tactics themselves. This increases their chances of being labeled a “gang member” by law enforcement, even if they are not involved in any “gang” activity. In essence, when people are marked as “gang members,” their existence is criminalized, leading to extreme social consequences for Homies and people associated with “gangs.”⁹¹ When looking at the Homies who have left their home communities, it is evident that their interactions with police are lessened in frequency. If they do have an interaction with law enforcement, the interactions are not as intense. In other words, once participants left their home community, gang policing encounters became less frequent and less hostile. Thus, it seems that gang policing is actually policing of the community. The type of policing produces and perpetuates criminality and the divisions within a community, resulting in its fragmentation.

91. Durán, *supra* note 18, at 163.

Limitations

While this qualitative study has several implications, generalizability is limited based on the small sample size of male interviewees. Also, participants may have already experienced other forms of trauma, causing anxiety and paranoia, which may have influenced results. Moreover, community members and participants' family and friends were not interviewed for this study. Therefore, claims or suggestions as to the family and friends should not be taken as conclusive. Nonetheless, evidence suggests that gang policing is detrimental to Homies and the broader community.

Although this study focuses on peoples' interactions with law enforcement and the effects of gang policing, evidence collected provides new insight into people's identity labeled "gang members." Participants reject the "gang member" label. Instead, participants refer to themselves as Homies, challenging the dominant discourse on "gangs." Recognizing the Homie identity would allow researchers and academics to reevaluate the paradigm paralysis on "gangs" and police practices.

To expand on the findings, future participants should include community members who are acquainted with people labeled a "gang member." However, future research should examine the effects of gang policing on Homies that reside in their community of origin and those who have relocated to explore the policing of communities. In particular, an ethnographic study may help identify and document gang policing interactions with Homies and community effects to determine the mental health implications, if any.

Nevertheless, gang policing and the legislation that legitimizes the harassment that targets Homies should be reexamined and repealed without reservation. The undoubtedly adverse outcomes on communities have consistently illustrated time and time again that police tactics are, simply put, ineffective and destructive.